

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EVA LEE,

Plaintiff,

-against-

**NYP HOLDING INC. and
RAYMOND WALSH JR.,**

Defendants.

07 CIV 6475 (JSR)

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, Defendant's Statement of Undisputed Material Facts Pursuant to Local Rule 56.1, the Declaration of Shari M. Goldsmith, dated January 18, 2008, and the affidavits and exhibits thereto, and all other pleadings and documents on file herein, Defendant NYP Holdings, Inc., incorrectly named as "NYP Holding Inc." (hereinafter the "Post" or "Company"), by and through its undersigned counsel, will move this Court before the Honorable Jed S. Rakoff, in Courtroom 14-B of the United States District Court for the Southern District of New York, at a date and time to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1. granting judgment in favor of the Post and against Plaintiff Eva Siu-San Lee ("Plaintiff") as to all of Plaintiff's claims herein, and such other and further relief as the Court deems just and proper under the circumstances.

Dated: New York, New York
January 18, 2008

Respectfully submitted,

s/Shari M. Goldsmith

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Attorneys for Defendant NYP Holdings, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on January 18, 2008, the foregoing was served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon all attorneys of record listed below:

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s/Shari M. Goldsmith
Shari M. Goldsmith